

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
V.	§	CASE NO. 9:11-CR-33(4)
	§	
GARY JUSTIN KELLEY	§	

**MEMORANDUM ORDER
ADOPTING FINDINGS OF FACT AND RECOMMENDATION
ON DEFENDANT’S GUILTY PLEA**

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Giblin conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued his Findings of Fact and Recommendation on Guilty Plea Before the United States Magistrate Judge [Doc. #206]. The magistrate judge recommended that the Court accept the defendant’s guilty plea and conditionally accept the plea agreement. He further recommended that the Court finally adjudge the defendant as guilty on Count Twenty-Three of the charging Indictment filed against the defendant in this cause.

The parties have not objected to the magistrate judge’s findings. The Court **ORDERS** that the Findings of Fact and Recommendation on Guilty Plea [Doc. #206] of the United States Magistrate Judge are **ADOPTED**. The Court defers acceptance of the plea agreement until after review of the presentence report.

It is further **ORDERED** that, in accordance with the defendant’s guilty plea and the magistrate judge’s findings and recommendation, the defendant, Gary Justin Kelley, is hereby

adjudged as guilty on Count Twenty-Three of the charging Indictment charging violations of Title 21, United States Code, Section 841(c)(2).

So **ORDERED** and **SIGNED** this **21** day of **November, 2011**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge